

SLIP

26 Apr 84

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials

Date

1. C/RMD

DC

26 Apr 84

2. DD/OIS - Login

B

27 APR 1984

3. D/OIS

4.

5. C/RSB

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	<input checked="" type="checkbox"/> For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

1 - 3 - More dissatisfied. We are not
the only agency which is unhappy
with the legislation to set up an
independent architect. BC.

DO NOT use this form as a RECORD of approvals, concurrences, disposals,
clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

C/RSB

Phone No.

5041-102

OPTIONAL FORM 41 (Rev. 7-76)

OLL 84-1538
26 April 1984

MEMORANDUM FOR:

[REDACTED]
RMD/OIS/DDA

STAT

[REDACTED]
L&LD/OGC

STAT

FROM:

[REDACTED] Deputy Chief
Legislation Division
Office of Legislative Liaison

STAT

SUBJECT:

National Archives Legislation

1. At noon Tuesday, 24 April, I was handed the attached views letters on H.R. 3987 and S. 905. A response was due to the Office of Management and Budget (OMB) on the two letters from the Veterans Administration (VA) by 11:00 a.m., and on the Department of Defense (DOD) letter by 4:00 p.m., so I quickly tried to call each of you. Missing both of you, I reviewed our letters and the Department of Justice (DOJ) views letter and decided that it would be consistent with our previous responses to OMB to phone in a "no objection" to the VA letters. Later in the afternoon, I also gave OMB a "no objection" to the DOD views letter.

2. Around 5:30 on Tuesday, I received a call from Greg Jones at OMB. He wanted to inform me that OMB has decided, at this point, to clear for transmittal to the Hill only those letters which strongly oppose both bills. He said General Services Administration is very strongly opposed to this splitting off of the Archives function. Our letter will be held back and cleared if and when it appears that the legislation is going to move this session, despite strong Administration opposition. I told him that I did not believe anyone here would have any regrets if this legislation never reached enactment.

[REDACTED]
STAT

Attachments

Administrator
of Veterans Affairs



4-20 84 rec'd

FG-2/83.13

[Handwritten signature]

Honorable David A. Stockman
Director, Office of Management
and Budget
Attention: Assistant Director
for Legislative Reference
Washington, D.C. 20503

ADVANCE COPY
SUBJECT TO CHANGE

Dear Mr. Stockman:

This is in response to the requests of the Assistant Director for Legislative Reference dated April 10 and April 13, 1984, for this Agency's comments on H.R. 3987 and S. 905, bills to be known as the "National Archives and Records Administration Act of 1984."

Essentially, the bills provide for transferring the statutory authority of the General Services Administration (GSA) for administering basic archival and records management functions to the Archivist of the United States. In so doing, an independent National Archives and Records Administration would be created with the Archivist becoming a Presidential appointee. The rationale supporting this shift of responsibility is that the inefficiency of divided authority would be eliminated, giving the Archivist of the United States more effective control over the complete "life cycle" of Federal records. It is anticipated that this legislation would clarify lines of authority, expedite decisionmaking, provide for clearer policy direction and insulate the agency from political influence.

Under the proposed legislation, the Office of Management and Budget (OMB) and Congress would evaluate the Archivist's budget requests in conjunction with those of other cultural and heritage agencies. The Senate bill makes a clear transfer of responsibilities whereas the House bill allows the Administrator of GSA to retain joint responsibility with the Archivist with respect to records management and inspection of agency records. For the reasons set out below, this Agency has no objection to S. 905 but objects to certain provisions in H.R. 3987.

Generally, the impact on the Veterans Administration of an independent Archives would be minimal provided degradation of the services, guidance, and assistance now provided by

2.

Honorable David A. Stockman

the National Archives and Records Service (NARS) of GSA does not occur. However, the VA is not a disinterested observer, since our Agency is a primary user of the Federal records center system with holdings in excess of one million cubic feet in the various centers. Moreover, we believe that regardless of which entity ultimately becomes responsible for these records management functions, that entity must exist to serve the needs of all operating Federal agencies and not vice-versa.

Currently, direct contact with GSA on matters affecting VA records management is almost nonexistent. In our experience, it is the Archivist of the United States who generally communicates with agency heads or other top management officials on proposals or changes which significantly alter the administration of records programs. To our knowledge, no problems have surfaced between our agencies that were not mutually resolved.

The VA has no objection to S. 905 because it clearly provides for the Archivist to have sole responsibility for the management and preservation of the Nation's historical documents. Further, Presidential appointment of the Archivist for a period of 10 years would enhance the continuity of programs necessary to maintain these records and provide agencies with a point of contact that is totally knowledgeable of the mission and purpose of each agency. Unlike H.R. 3987, S. 905 does not provide for shared responsibility by the Archivist and the Administrator of GSA in the areas of records management and inspection of records. Finally, S. 905 would transfer back to the Archivist the Office of Information Systems from GSA's Office of Information Resources, Automated Data and Management. The VA supports this move as long as the technology aspect of information systems, as opposed to records management, remains with GSA, which has automated data procurement responsibilities. In our opinion, the Administrator of GSA and not the Archivist should continue to provide computer technology guidance and maintain his role in developing Federal acquisition regulations.

The VA objects to H.R. 3987, as presently drafted. While we do not object to many of the concepts proposed, we believe that several of the bill's provisions should be modified or eliminated. In addition to the lack of total independence of the Archivist mentioned earlier, we object to provisions in the House Bill that would tend to increase the oversight of other agencies by the Archivist and the Administrator of GSA, and, would allow the Archivist to utilize personnel of other agencies or to charge for services that should be covered within the budget of NARS:

3.

Honorable David A. Stockman

With respect to H.R. 3987, as it amends certain sections of Chapter 29 of title 44, the role of the Administrator of GSA appears to be left untouched. For example, proposed section 2904 addresses general responsibilities for records management; however, it explicitly provides for a sharing of responsibilities with NARS on areas related to the development of standards and procedures, the conduct of research, studies, surveys and inspections of records and records management programs. In essence, it is not clear which organization would assume the leadership role and that in turn would cause additional problems for agencies with respect to obtaining assistance, guidance and direction on records management problems. The passage of the bill in its present form would not enhance the authority or adequately define the responsibilities of the Archivist.

We strongly recommend that these responsibilities be vested entirely with the Archivist to alleviate the confusion and redundancy that would likely result if the two agencies were to share joint responsibility for these functions.

Related to this issue is the extent of GSA and NARS oversight in records management and inspection of records. For example, the Archivist is given new authority in the bill under proposed sections 2905(a) and 3106 of title 44, U.S. Code, to initiate action to prevent defacing, removal or destruction of records upon an agency's timely failure to do so. The inspection of records provisions of proposed sections 2104(f) and 3301(b) of title 44, U.S. Code, offered in H.R. 3987 depart from current law (i.e., 44 U.S.C. § 2906) in two important respects: first, under proposed section 2104(f), each Federal agency is required (not merely authorized as in S. 905) to permit GSA or NARS to inspect that agency's records; second, under both proposed sections 2104(f) and 3301(b), neither national security or public interest restrictions nor compliance with the Privacy Act of 1974 (5 U.S.C. § 552a) and other Federal confidentiality laws that may apply to the records to be inspected are provided for as is the case under both existing 44 U.S.C. § 2906 and the proposed modification of that section in H.R. 3987. We continue to strongly object to any legislative change that would allow another agency to exercise control over internal VA records or information decisions made while carrying out our mission of administering VA benefits.

The matter of funding and costs related to the operation of an independent NARS is of prime importance to the VA. We would expect NARS to provide the same level of services currently

4.

Honorable David A. Stockman

furnished at no additional cost to the VA except for certain special services that may be negotiated on an individual basis. We believe that NARS has the responsibility to provide agencies with low cost storage facilities for noncurrent records and that that responsibility includes total funding of the operation of the facilities at no expense to user agencies.

However, proposed section 2116(c) of title 44, U.S. Code, in H.R. 3987 would alter existing law (i.e., 44 U.S.C. § 2112(c)) by allowing the Archivist to charge fees to other agencies for authentication or reproduction of records where the Archivist's appropriations are insufficient to cover this cost. In this regard, we note that any substantial, unexpected costs could severely curtail VA operations.

Finally, we object to the discretion granted in proposed section 2302 of title 44, U.S. Code, in H.R. 3987 to the National Archives Trust Fund Board to utilize the services and personnel of another agency without the consent of the agency head involved. We assume this was an unintended result and that appropriate modification in language to provide for the consent of an agency head will be accomplished as was done elsewhere in H.R. 3987 (see proposed section 2105(a) of title 44, U.S. Code).

Thank you for the opportunity to present our views on this proposed legislation. Questions concerning these comments may be addressed to Neal C. Lawson at 389-3294.

Sincerely,

HARRY N. WALTERS
Administrator

Page Denied

Next 2 Page(s) In Document Denied